

# BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 345-9557

William A. Judge, Chairman

Robert A. Bourque

John E. Murray, Jr.

## MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on July 20, 2009 in the Veterans Memorial Room, 718 Main St. - City Hall, Fitchburg, and called to order by Chairman William Judge at 6:00 PM. Commissioners Robert Bourque and John Murray were present.

The agenda consisted of the following:

### **I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.**

**Deferred to the next meeting.**

### **II. NEW APPLICATIONS**

St. Francis of Assisi, 81 Sheridan St., for Special One Day All Alcoholic Beverages License for Dance from 8:00 p.m. to 12:00 p.m. on Saturday, August 22, 2009 at 81 Sheridan St.

**Present were Mr. Jerry Rivera and Mr. Al Rivera. Approved 3/0**

Venues, 14-18 Putnam St., for Four (4) Video, One (1) Juke Box and One (1) Pool Table.

**Present were Ms. Guibe Flores and Mr. Kenneth Delgado. Commissioners requested that a diagram of the machines be submitted for the file. Approved 3/0**

Venues, 14-18 Putnam St., for Late Closing at 2:00 a.m.

**Present were Ms. Guibe Flores and Mr. Kenneth Delgado. Application amended to request 2AM Late Closing on Thursday, Friday and Saturday and 12 Midnight Closing on Sunday – Wednesday. Mr. Clark Straight voiced opposition to the application, Approved by vote of 2 in favor and 1 opposed (Judge).**

Venues, 14-18 Putnam St., for Entertainment Permit from Sunday thru Saturday, for live bands, live vocals, dance and DJs.

**Present were Ms. Guibe Flores and Mr. Kenneth Delgado. Approved by vote of 2 in favor and 1 opposed (Judge).**

Change of Manager for Espresso Pizza & Eatery Inc., 584 Main St., from Lynda Ferrara to Lauren Ferrara.

**Chairman Judge read aloud a letter from Ms. Lynda Ferrara explaining her absence from tonight's meeting due to a medical issue. Ms. Lauren Ferrara was present. Application approved 3/0 pending receipt of clear CORI.**

Café Destare, LLC, 320 Main St., for Alteration of Premises: Exterior seating in front of building. (Public Hearing Sept. 9, 2009)

### III. HEARINGS

Fourteen Mill Street Corp., d/b/a The Cellar, 14 Mill St., Fred Blake, Manager for Transfer and Change of License Type of Annual, All Alcohol, Restaurant License to The Wine Cellar, LLC, d/b/a The Wine Cellar, 14 Mill St., Richard J. Boscardin, Manager. License type to be changed to General on Premise.

**Mr. Richard Boscardin and Mr. Fred Blake were present. Some discussion ensued regarding the parameters of the outside seating area that had been agreed upon between the Commission and Mr. Fred Blake on April 26, 2007. Mr. Boscardin changed the written description of the licensed premise on the transfer application to include the previously agreed upon linear measurements of the outside seating area at the suggestion of the Commission and agreed to comply with same.**

**Some discussion ensued regarding the back taxes owed by Mr. Boscardin to the City of Fitchburg and whether or not Mr. Boscardin is the “applicant” for the liquor license transfer and therefore subject to Chapter 120, sections 20 and 21 of the Code of the City of Fitchburg. Upon invitation to do so, no one spoke in favor of or in opposition to the transfer.**

**By vote of 3/0 Hearing continued to July 27, 2009 in order to allow time for the City Solicitor to issue an opinion on the noted tax issue.**

Fitchburg Main Street Mall, LLC, 424-438 Main Street, for Transfer, Pledge, Change of License Type and Change of Location of Annual, General on Premise, All Alcohol license to Guibe Flores, 14-18 Putnam St. License type to be changed from General on Premise to Restaurant.

**Ms. Guibe Flores and Mr. Kenneth Delgado were present. Ms. Flores presented her written business plan to the Board and expounded verbally on some of their plans such as having a variety of entertainment forms in the larger area of the club on certain nights and offering a light, inexpensive food menu that is allowable with the existing kitchen equipment.**

**Upon invitation, no one spoke in favor of the transfer.**

**Speaking in opposition were:**

**Mr. Clark Straight, 520 Main St. He stated that no one else has done what they promised to do in this premise; the premise will require a substantial amount of funding in order to bring it in to compliance with full restaurant building code; Main Street does not need another bar particularly across the street from a condo building and next to another building that will soon have thirty two additional residential spaces; the applicants have no money, no experience, the location is tarnished and they are starting a business in a poor economy. He implored the Board to disapprove the transfer application.**

**Ms. Tracey Sarefield, 520 Main St. She stated that it would be great to have a restaurant on Main St. but that she will be calling the police if there are problems. She stated that she agreed with Mr. Straight’s comments.**

**Mr. Jeremy Boyle, 520 Main St. He stated that he would support a successful restaurant that closes at 11PM but that this seems to be less than a restaurant plan.**

**Chairman Judge motioned to continue the hearing and the application for automatic amusements, late closing and entertainment to July 27, 2009 to allow time to review the business plan that was submitted tonight. There was no second to the motion.**

**Commissioner Bourque motioned to approve the transfer of the license. Transfer approved by vote of 2 in favor and 1 opposed (Judge)**

### IV. OTHER

- Antoine Georges of M & M Variety wishes to discuss violation he received.  
**At the direction of Chairman Judge, the clerk had called Mr. Georges earlier in the**

**day to request that he delay his appearance before the Board until such time that the Board has received the police reports from the FPD concerning the compliance check operation. Therefore, Mr. Georges was not present.**

- Taxi Driver Applications  
**Approved for two years: Thomas Sullivan, Frank Maggio, Larry Evans**

- Correspondence

**Letter from CK Smith, Inc. requesting on behalf of Fitchburg Irving, 1313 Water St. to be considered for a liquor license for the sale of beer and wine (package store). The Clerk telephoned the company President to inform him that the City does not have possession of a package store license to be issued. The President of the company requested that his letter be placed on file to be considered in the future should one become available.**

**FPD Officer Paul McNamara and Jacalyn Boucher from LUK were present to provide information regarding compliance checks that were conducted on July 3, 2009. Officer McNamara stated that the police reports would be completed and sent to the License Commission next week. Chairman Judge stated that he would like to be informed of any compliance checks in the future before they are conducted. Ms. Boucher stated that purchase surveys would be conducted between now and August 31, 2009 to collect data on which establishments do not ask for identification when a liquor sale is made. This data would be used to determine targeted compliance checks in the future.**

**Mr. Frank Tramontozzi, Mr. Thomas Tramontozzi and Mr. Robert Kopelman were present to address the Board. They explained that the Building Department has provided them with a 90 day extension to obtain the Certificate of Inspection in the name of The Club, Inc. (new owner Robert Kopelman). They are aware that they are scheduled for the License Commission meeting on July 27, 2009 to discuss the fact that they are not operating as licensed and that they need the Certificate of Inspection in the name of The Club, Inc. in order to obtain the new license in that name. They asked the Board if they could have a 90 day extension on this matter considering that the Building Department has given them such an extension. Chairman Judge stated that they should attend the meeting, as scheduled, on July 27, 2009 to discuss the matter. He suggested that they should bring with them a letter in writing from the Building and Fire Departments explaining the circumstances of the 90 day extension.**

- Any other matter that may come before the Commission as time permits

**The meeting adjourned at 8:32 PM.**

Respectfully submitted,

Anna M. Farrell, Clerk

Approved:

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William A. Judge

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Robert Bourque

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John E. Murray, Jr.